

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BANK OF NEW YORK MELLON,

Plaintiff(s),

v.

ROYAL HIGHLANDS STREET AND
LANDSCAPE MAINTENANCE
CORPORATION, et al.,

Defendant(s).

Case No. 2:16-CV-1993 JCM (VCF)

ORDER

Presently before the court is defendant SFR Investments Pool 1, LLC's demand for security of costs, pursuant to Nevada Revised Statutes ("NRS") 18.130, against plaintiff Bank of New York Mellon. (ECF No. 10).

"When a plaintiff in an action resides out of the State, or is a foreign corporation, security for the costs and charges which may be awarded against such plaintiff may be required by the defendant" NRS 18.130. Further, "[i]t is the policy of the United States District Court for the District of Nevada to enforce the requirements of NRS 18.130 in diversity actions." *Feagins v. Trump Org.*, 2012 WL 925027 (D. Nev. 2012) (citing *Hamar v. Hyatt Corp.*, 98 F.R.D. 305, 305–6 (D. Nev. 1983); *Arrambide v. St. Mary's Hosp., Inc.*, 647 F.Supp. 1148, 1149 (D. Nev. 1986)).

Here, plaintiff states that its principal office is in New York, that it "is a New York state-chartered bank," and that it is ultimately a citizen of New York. (ECF No. 1 at 1–2). Therefore, this court finds that defendant properly invokes NRS 18.130. Pursuant to that statute, plaintiff is to deposit \$500.00 with the clerk of court for "costs and charges as may be awarded" in this case. NRS 18.130.

...

1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant's demand for
3 security costs, (ECF No. 10) be, and the same hereby is, GRANTED.

4 IT IS FURTHER ORDERED that plaintiff Bank of New York Mellon shall post a cost
5 bond in the amount of \$500.00 or make a cash deposit of \$500.00 as to SFR Investments Pool 1,
6 LLC within seven (7) days of the entry of this order.

7 DATED November 8, 2016.

8 
UNITED STATES DISTRICT JUDGE